

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLSTATE INSURANCE COMPANY, et al.,

Plaintiffs,

Case No. 17-13908

Honorable Victoria A. Roberts

v.

OMIC, LLC d/b/a OAKLAND MRI, et al.,

Defendants.

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ORDER GRANTING DEFENDANTS'
MOTION FOR RECONSIDERATION [ECF No. 32]

On September 24, 2018, the Court entered an Order Granting in Part and Denying in Part Defendants' Amended Motion to Strike Portions of Complaint and To Dismiss Complaint.

Defendants move for partial reconsideration of that order. Specifically, Defendants ask the Court the reconsider its decision not to strike the allegations in paragraphs 131-145 of complaint, which related to alleged "other fraudulent acts." The allegations in those paragraphs are based on an affidavit signed by non-party Ramasami Gunabalan.

However, during a deposition on July 18, 2018 – which was after the parties briefed Defendants' motion to strike/dismiss – Gunabalan refused to testify about his affidavit, and asserted his Fifth Amendment privilege. Among other things, he refused to: (1) testify about the basis of the affidavit; (2) answer who prepared the affidavit; (3) authenticate his signature on the affidavit.

The Court **GRANTS** Defendants' motion for reconsideration and **STRIKES** paragraphs 131-145 of the complaint.

Based on the new information – i.e., Gunabalan's refusal to authenticate the affidavit or testify as to the basis of the affidavit – the Court finds that the allegations are irrelevant and prejudicial to Defendants.

Plaintiffs can conduct discovery regarding any relation the “other fraudulent acts” have with this case; and, if necessary, they can move to amend the complaint after discovery to add any relevant, material allegations.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 1, 2018